

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

KARY PATRICK MACLEOD COLVIN,  
  
Plaintiff,  
  
v.  
  
DELONG, *et al.*,  
  
Defendants.

Case No. 3:23-cv-00212-ART-CLB  
  
ORDER

*Pro se* Plaintiff Kary Patrick Macleod Colvin brings this action under 42 U.S.C. § 1983 against attorneys from the Washoe County District Attorney Office for basing his bond hearing and subsequent proceedings on sealed juvenile records and for denying him legal representation. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla Baldwin (ECF No. 3), recommending that the Court dismiss without prejudice Plaintiff’s complaint (ECF No. 1-1) and deny as moot his application to proceed *in forma pauperis* (ECF No. 1). Plaintiff had until June 13, 2023, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will dismiss the complaint without prejudice.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one

1 or both parties file objections to the findings and recommendations.”) (emphasis  
2 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that  
3 the Court “need only satisfy itself that there is no clear error on the face of the  
4 record in order to accept the recommendation.”).

5 Because there is no objection, the Court need not conduct de novo review,  
6 and is satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin  
7 recommends dismissing the complaint without prejudice because, under *Heck*  
8 *v. Humphrey*, 512 U.S. 477 (1994), Plaintiff can only proceed in a § 1983 action  
9 if he can show his conviction has been overturned; otherwise, he must bring a  
10 *habeas corpus* action. (ECF No. 3 at 4-5.) The Court agrees with Judge Baldwin.  
11 Having reviewed the R&R and the record in this case, the Court will adopt the  
12 R&R in full.

13 It is therefore ordered that Judge Baldwin’s Report and Recommendation  
14 (ECF No. 3) is accepted and adopted in full.

15 It is further ordered that Plaintiff’s complaint (ECF No. 1-1) is dismissed  
16 without prejudice.

17 It is further ordered that Plaintiff’s application to proceed *in forma pauperis*  
18 (ECF No. 1) is denied as moot.

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21 DATED THIS 15<sup>th</sup> Day of November 2023.

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24 ANNE R. TRAUM  
25 UNITED STATES DISTRICT JUDGE  
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